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Attorneys for Plaintiff,  
SIX4THREE, LLC

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability company,

Plaintiff,

V.

FACEBOOK, INC., a Delaware corporation;  
MARK ZUCKERBERG, an individual;  
CHRISTOPHER COX, an individual;  
JAVIER OLIVAN, an individual;  
SAMUEL LESSIN, an individual;  
MICHAEL VERNAL, an individual;  
ILYA SUKHAR, an individual; and  
DOES 1 through 50, inclusive,  
Defendants.

Case No. CIV 533328

**Assigned For All Purposes To Hon. V.  
Raymond Swope**

## STIPULATION AND ~~[PROPOSED]~~ ORDER CONCERNING THE IMAGING OF CERTAIN DATA

FILING DATE: April 10, 2015  
TRIAL DATE: April 25, 2019

CIV533328  
AFM  
Affidavit of Mailing  
1524807



**FILED**  
**SAN MATEO COUNTY**

~~DEC 03 2018~~

By Clerk of the Superior Court  
DEPUTY CLERK

1 Plaintiff Six4Three, LLC and Defendant Facebook, Inc. (collectively, the “parties”), by  
2 and through their attorneys of record, stipulate as follows:

3 WHEREAS, on November 30, 2018 (the “Nov. 30<sup>th</sup> Order”), the Court ordered that cloud  
4 storage locations of Thomas Scaramellino and Ted Kramer be accessed and their contents  
5 preserved via imaging by Eric Friedberg of Stroz Friedberg, or his agents (the “Forensic  
6 Examiner”);

7 WHEREAS, the parties disagree whether the scope of that imaging includes the contents  
8 of the location titled “Six4Three(Counsel Share-NO CLIENTS)” on the cloud file storage system  
9 of Gross & Klein LLP to which Mr. Scaramellino has access;

10 WHEREAS, the parties, however, agree that imaging the contents of the  
11 Six4Three(Counsel Share-NO CLIENTS) location by the Forensic Examiner is appropriate; and

12 WHEREAS, Gross & Klein LLP would prefer that it work directly with the Forensic  
13 Examiner to provide him the necessary access to achieve such imaging, in order to ensure that  
14 Gross & Klein LLP’s interest in preserving the integrity of its cloud file storage system is  
15 protected and no appearance to the contrary be created;

16 WHEREAS, while the parties understand that the Forensic Examiner has been retained by  
17 Facebook, and Facebook does not object to Gross & Klein LLP coordinating directly with the  
18 Forensic Examiner, such coordination does not create any relationship, legal or otherwise,  
19 between Gross & Klein LLP and the Forensic Examiner;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the parties that:

21 1. Gross & Klein LLP shall, within one (1) day of the date of the corresponding  
22 Order by the Court, provide the Forensic Examiner with credentials that allow the Forensic  
23 Examiner the ability to temporarily access the Six4Three(Counsel Share-NO CLIENTS) location  
24 on the cloud file storage system of Gross & Klein LLP, so as to provide the Forensic Examiner  
25 the ability to image the contents of that location;

26 2. The Forensic Examiner shall use all diligent efforts to image the contents of the  
27 Six4Three(Counsel Share-NO CLIENTS) location as quickly as possible;  
28

3. Immediately upon the completion of such imaging, the Forensic Examiner shall notify Gross & Klein LLP and Durie Tangri, LLP;

4. Gross & Klein LLP, upon receipt of such notification, shall remove the Forensic Examiner's access to the Six4Three(Counsel Share-NO CLIENTS) location;

5. The Forensic Examiner shall not seek to access the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP using the credentials provided to him by Mr. Scaramellino;

6. Gross & Klein LLP shall immediately remove Mr. Scaramellino's access to the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP;

7. Pursuant to the Nov. 30<sup>th</sup> Order, the Forensic Examiner shall not disclose any data preserved or collected from the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP until further order of the Court; and

8. Neither the provision of access to the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP to the Forensic Examiner nor the Forensic Examiner's imaging of its contents affects any claim of privilege or protection applicable to the data accessed or imaged.

IT IS SO STIPULATED.

DATED: December 3, 2018

DURIE TANGRI LLP

By: 

Sonal N. Mehta  
Joshua H. Lerner  
Laura E. Miller  
Catherine Y. Kim

Attorneys for Defendant Facebook, Inc.

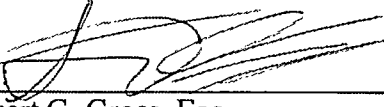
GROSS & KLEIN LLP  
THE EMBARCADERO  
PIER 9, SUITE 100  
SAN FRANCISCO, CA 94111

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DATED: December 3, 2018

GROSS & KLEIN LLP

BIRNBAUM & GODKIN

By 

Stuart G. Gross, Esq.  
David S. Godkin (admitted *pro hac vice*)  
James E. Kruzer (admitted *pro hac vice*)  
Attorneys for Plaintiff  
Six4Three, LLC

**ORDER**

Based on the foregoing stipulation of parties, and good cause appearing therefor,  
IT IS HEREBY ORDERED:

1. Gross & Klein LLP shall, within one (1) day of the date of this Order, provide the Forensic with credentials that allow the Forensic Examiner the ability to temporarily access the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP, so as to provide the Forensic Examiner the ability to image the contents of that location;

2. The Forensic Examiner shall use all diligent efforts to image the contents of the Six4Three(Counsel Share-NO CLIENTS) location as quickly as possible;

3. Immediately upon the completion of such imaging, the Forensic Examiner shall notify Gross & Klein LLP and Durie Tangri, LLP;

4. Gross & Klein LLP, upon receipt of such notification, shall remove the Forensic Examiner's access to the Six4Three(Counsel Share-NO CLIENTS) location;

5. The Forensic Examiner shall not seek to access the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP using the credentials provided to him by Mr. Scaramellino;

6. Gross & Klein LLP shall immediately remove Mr. Scaramellino's access to the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP;

7. Pursuant to this Court's November 30, 2018 Order, the Forensic Examiner shall not disclose any data preserved or collected from the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP; and

8. No actions taken pursuant to this Order affects any claim of privilege or protection.

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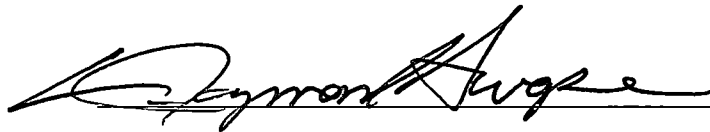
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GROSS & KLEIN LLP  
THE EMBARCADERO  
PIER 9, SUITE 100  
SAN FRANCISCO, CA 94111

1 IT IS SO ORDERED.

2 DATED: DEC 03 2018



HONORABLE V. RAYMOND SWOPE  
SUPERIOR COURT JUDGE